

ATTACHMENT 1

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By Fax

Andrew M. Fisher, Esq.
47 Winter Street - #4
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Robert Proulx, Esq.
170 High Street
Suite 301
Taunton, MA 02780

Re: The Estate of John Horton v. Dartmouth House of Correction, et al.
U.S.D.C. No. 04-12058-WGY

Gentlemen:

As I stated to you earlier today, we cannot agree to continue the depositions of the plaintiff Bette Rivard and Maria Travares Lafrate, which are scheduled for tomorrow beginning at 10:00 a.m. in my office.

We cannot agree to continue the deposition of your client, because the discovery deadline in the above matter is quickly approaching. Also, this is the second time you have postponed your client's deposition in this case. In addition, her deposition had to be continued on one prior occasion because you had not provided timely answers to my client's interrogatories and requests for production of documents. In fact, you forced us to seek the court's assistance to compel you to provide us with this written discovery.

We cannot agree to continue the deposition of Maria Travares Lafrate, because in addition to the discovery deadline, she has refused to provide us with another date for her deposition. Last week, Ms. Travares Lafrate notified my secretary that she did not want to attend her deposition on August 23, because the date was inconvenient and our office was too far away. When we agreed to continue it to a date in the near future in Attorney Ryan's office in Boston, Ms. Travares announced that she would not agree to any arrangement.

We plan on going forward with both depositions tomorrow. Should you have any questions, please call.

Very truly yours,



Victor Koufman

VJK:km

cc: Regina Ryan, Esq. (telecopier)

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